

# DECISION



THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548

25995

FILE: B-212491

DATE: August 15, 1983

MATTER OF: Sealtech, Inc.

## DIGEST:

GAO will not review a contracting officer's decision that a small business firm is not a responsible bidder since under law the Small Business Administration has conclusive authority to certify whether a small business is responsible.

Sealtech, Inc. (Sealtech), protests the Defense Logistics Agency's determination that it is not a responsible bidder under solicitation No. DLA100-83-B-0085. We dismiss the protest.

Sealtech is a small business. The Small Business Administration (SBA) has the authority to ultimately determine a small business bidder's responsibility by issuing or declining to issue a certificate of competency, and that determination is conclusive on this Office. 15 U.S.C. § 637(b)(7) (Supp. IV 1980). The record indicates that the matter has been referred to the SBA. We therefore cannot consider the matter. Gabriel and Associates, B-210803, March 15, 1983, 83-1 CPD 261.

*J. H. Barclay Jr.*  
*for* Harry R. Van Cleve  
Acting General Counsel

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